

THE OBVIOUSNESS REJECTION

Claims 41 and 58-67 stand rejected under 35 U.S.C. §103 as being unpatentable over von Borstel et al in view of Chu et al. This is the only outstanding rejection in the case. The rejection is traversed for the following reasons.

Claim 41 is directed to a composition comprising (a) an acyl derivative of uridine, cytidine or orotic acid, and (b) an inhibitor of uridine phosphorylase. The remaining claims in the case (Claims 58-67) are composition claims which are dependent, either directly or indirectly, on Claim 41. The claims in this application are not rendered obvious by the combined teachings of von Borstel et al (WO 89/03837) when taken in view of Chu et al (U.S. Patent No. 4,613,604).

The von Borstel et al reference describes acylated derivatives of uridine and cytidine. There is no disclosure in that reference of compositions comprising an acyl derivative of uridine, cytidine or orotic acid and an inhibitor of uridine phosphorylase.

The Chu et al patent fails to cure this deficiency. Chu et al relate to the

use of uridine phosphorylase inhibitors in order to potentiate the chemotherapeutic effect of pyrimidine nucleoside analogs, such as 5-fluorouridine by preventing the degradation of the nucleoside analog, not by elevating uridine levels.

The Examiner takes the position that there would be motivation to combine these disclosures to arrive at the present allegation of obviousness. It not seen how such motivation could possibly arise in the mind of a person of ordinary skill in view of the disclosures of these references. It is clear that a person of ordinary skill would **not** have been motivated to resort to the combined teachings of von Borstel et al and Chu et al, to arrive at the compositions as claimed in the present application. Absent any such motivation to combine these disclosures, it is clear that a *prima facie* case of obviousness has not been established in this case.

Reconsideration and withdrawal of the obviousness rejection is believed

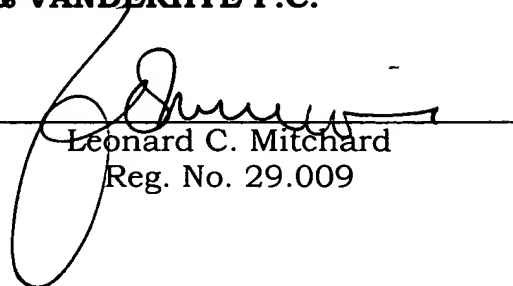
von Borstel, et al
Serial No. : 08/463,740

to be in order. Such action is respectfully requested.

Respectfully submitted,

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